

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Max Gross	Team: Team # 3	CCRB Case #: 201114410	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/01/2011 6:30 PM	Location of Incident: § 87(2)(b) inside an RMP near Baychester Avenue and Crawford Avenue.		Precinct: 47	18 Mo. SOL 5/1/2013	EO SOL 5/1/2013
Date/Time CV Reported Sat, 11/05/2011 3:12 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 11/05/2011 3:12 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Orvin Feliciano	22257	942855	PSA 8
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Bravo	19687	943022	PSA 8

Officer(s)	Allegation	Investigator Recommendation
A. POM Orvin Feliciano	Discourtesy: Officer Orvin Feliciano spoke obscenely to § 87(2)(b) inside of § 87(2)(b) in the Bronx.	§ 87(2)(b)
B. An officer	Force: An officer used pepper spray against § 87(2)(b) inside an RMP near Baychester Avenue and Crawford Avenue in the Bronx.	§ 87(2)(b)
C. An officer	Force: An officer used physical force against § 87(2)(b) inside an RMP near Baychester Avenue and Crawford Avenue in the Bronx.	§ 87(2)(b)

Case Summary

On November 5, 2011, § 87(2)(b) filed this complaint with the CCRB via the call processing system. § 87(2)(b) also filed a complaint on November 3, 2011, with the Internal Affairs Bureau (IAB) via log 11-50656, although that complaint was not forwarded to the CCRB until November 15, 2011. On November 9, 2011, § 87(2)(b) was contacted by phone and he provided the following statement:

On November 1, 2011, at approximately 6:00pm, § 87(2)(b) was entering his apartment building located at § 87(2)(b) in the Bronx when he encountered two uniformed officers, identified as Officer Orvin Feliciano and Officer Jose Bravo, both of Police Service Area (PSA) 8. Officer Feliciano allegedly remarked to § 87(2)(b) “What the fuck you looking at. You look like you lost or something” (**Allegation A**). § 87(2)(b) stopped walking and told Officer Feliciano that he “wasn’t doing anything wrong.” Officer Feliciano approached him and attempted to place him in handcuffs. § 87(2)(b) acknowledged that he initially refused to be handcuffed, but did not allege excessive force used to place him in handcuffs. § 87(2)(b) did not know what prompted his arrest, beyond mentioning that he was accused of “disturbing the peace.”

After he was arrested, he was lodged inside of marked RMP and removed from the scene by Officer Feliciano and Officer Bravo. After driving approximately one block, the officers pulled over by a football field within the vicinity of Baychester Avenue and Crawford Avenue. A marked van arrived containing two additional uniformed officers (PO3 and PO4) arrived at the scene. PO3 and PO4 opened the rear door of the RMP and attempted to remove § 87(2)(b)’s sneakers and place his legs in plastic restraints. PO3 allegedly pepper sprayed § 87(2)(b) (**Allegation B**) while PO4 allegedly began punching § 87(2)(b) in the rib cage numerous times (**Allegation C**). § 87(2)(b) was then leg shackled transported to PSA 8’s satellite command located in the Bronx River NYCHA complex. He was charged with obstruction of governmental administration in the second degree, criminal mischief in the fourth degree, resisting arrest, and disorderly conduct. After complaining of pain, § 87(2)(b) was examined at § 87(2)(b) while in police custody and diagnosed with bruising and muscle strain to his ribcage. § 87(2)(b) stated that on § 87(2)(b), he was diagnosed with a broken rib at § 87(2)(b) Hospital after he was released from police custody.

§ 87(2)(b)’s arrest report indicated that he was charged with obstructing governmental administration in the 2nd degree, criminal mischief in the 4th degree, resisting arrest, disorderly conduct and a local misdemeanor. PO Feliciano was the arresting officer and listed that physical force and a chemical agent were used to restrain and control § 87(2)(b) who was injured, treated and released.

§ 87(2)(b) chose not to provide a formal statement regarding the incident. As such, the identities of the officers who used physical force against him while he was in the back of the RMP remain unknown. § 87(2)(b) was explicit in his CCRB statement and in the IAB referral report that he initially encountered Officer Feliciano who cursed at him. Therefore, allegation A will remain pleaded against him. Since the officers who subsequently arrived in the marked van remain unidentified, allegations B and C will be pleaded against “officers” from an unknown command.

§ 87(2)(b) initially agreed to appear at the CCRB to provide a verified statement. However, on November 15, 2011, § 87(2)(b) missed his scheduled appointment at the CCRB without calling to cancel or reschedule. On November 17, 2011, the investigator contacted § 87(2)(b) by phone, at which point he stated that he had been advised by his civil attorney not to cooperate with the CCRB's investigation. After a discussion about the CCRB's investigative process, § 87(2)(b) requested an opportunity to contact his attorney to further discuss the option of having the CCRB investigate his complaint. On November 21, 2011, § 87(2)(b) contacted the investigator and confirmed that his attorney was advising him not cooperate with the CCRB although he did not wish to withdraw his complaint. § 87(2)(b), § 87(2)(g)

Team: _____

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date